

**RECEIVED**

AC 1242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

JAN 22 2013

JOHN P. HEHMAN, CLERK  
COLUMBUS, OHIO

## UNITED STATES DISTRICT COURT

Southern for the District of Ohio

Chad Kister

Petitioner

v.

Case No.

2:12-cv-1225

(Supplied by Clerk of Court)

Appalachian Behavioral Healthcare

Respondent

(name of warden or authorized person having custody of petitioner)

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

## Personal Information

1. (a) Your full name: Chadwick Wade Kister
- (b) Other names you have used: Chad Kister
2. Place of confinement:
  - (a) Name of institution: Appalachian Behavioral Healthcare
  - (b) Address: 100 Hospital Dr.  
Athens Ohio 45701
  - (c) Your identification number: 753153
3. Are you currently being held on orders by:
 

☐ Federal authorities ☒ State authorities ☐ Other - explain:
4. Are you currently:
 

☐ A pretrial detainee (waiting for trial on criminal charges)

☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

  - (a) Name and location of court that sentenced you: \_\_\_\_\_
  - (b) Docket number of criminal case: \_\_\_\_\_
  - (c) Date of sentencing: \_\_\_\_\_

☐ Being held on an immigration charge

☒ Other (explain): Incompetent to stand trial (as is falsely alleged).

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**Decision or Action You Are Challenging**

5. What are you challenging in this petition:

- ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☐ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☒ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other (explain): \_\_\_\_\_

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Court of Common Pleas, Athens  
County, Ohio
- (b) Docket number, case number, or opinion number: \_\_\_\_\_
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
The decision to declare Chad Kister incompetent to  
stand trial.
- (d) Date of the decision or action: December 17, 2012

**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Docket number, case number, or opinion number: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

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(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

**8. Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

**9. Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

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(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☒ Yes ☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: \_\_\_\_\_

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_  
(b) Date of the removal or reinstatement order: \_\_\_\_\_  
(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_  
(2) Case number: \_\_\_\_\_  
(3) Result: \_\_\_\_\_  
(4) Date of result: \_\_\_\_\_  
(5) Issues raised: \_\_\_\_\_

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_  
(2) Date of filing: \_\_\_\_\_  
(3) Case number: \_\_\_\_\_

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- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes ☐ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: Writ of Habeas Corpus
- (b) Name of the authority, agency, or court: United States District Court  
Southern District of Ohio Eastern Division
- (c) Date of filing: 12-27-2012
- (d) Docket number, case number, or opinion number: 2:12 CV-01225
- (e) Result: Order for payment on in forma Pauperis
- (f) Date of result: 1-4-13
- (g) Issues raised: Pending writ of habeas Corpus. Bias by  
Judge Michael Ward. Violations of Plaintiff's rights  
and religion. failure of public Defenders office  
to appeal or adequately represent Chad Kister
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**GROUND ONE:** See the Writ of Habeas Corpus already  
sent to the court. Judge Michael Ward has a  
clear and present bias.

\_\_\_\_\_

\_\_\_\_\_

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(a) Supporting facts (Be brief. Do not cite cases or law.):

Judge Michael Ward's Campaigner and friend, Keith McPencow stole lots of valuable items from Chad Kister and got away with it because of his friendship/campaign help with Judge Ward. Kister has criticized Judge Ward on WAIS' Viewpoint radio for years.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO:

Judge Ward is a Republican while Chad Kister ran twice as a Democrat and has been very critical of Republicans.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Chad Kister ran for County Commissioner twice as a Democrat. Kister has criticized Republicans daily on WAIS and other media for years.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE:

Plaintiff Chad Kister was not adequately represented by public defender Eric Hedrick.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Eric Hedrick failed to even argue in court against Chad Kister being declared incompetent to stand trial. Eric Hedrick did not even line up one witness despite the fact that Chad Kister provided dozens of witnesses including their contact information to Eric Hedrick.

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☐ No

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**GROUND FOUR:**

Being locked up violates Chad Kister's religion.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Kister must be able to walk through God's creation (vast areas of wild forest or wilderness) for his religion, to always be close to God. Kister has backpacked and rafted 700 miles through the Arctic National Wildlife Refuge.

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Kister has been threatened dozens of times in ABH by other patients, and was assaulted in ABH in August, 2011.

**Request for Relief**

15. State exactly what you want the court to do:

Demand that ABH Release Chad Kister.



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**Declaration Under Penalty Of Perjury**

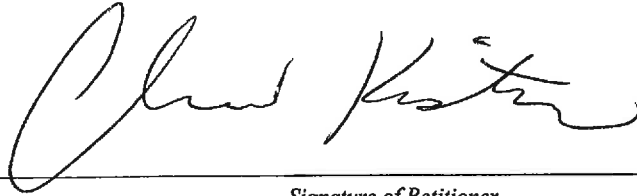
If you are incarcerated, on what date did you place this petition in the prison mail system:

January 17, 2013

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

1-13-2013



*Signature of Petitioner*

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*Signature of Attorney or other authorized person, if any*